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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 ERIC W. SUGGS,

12 Petitioner

13 v.

14 M.E. SPEARMAN,

15 Respondent.
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Case No. 5:17-cv-00570-GW (GJS)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition (“Petition”) and
19 all pleadings, motions, and other documents filed in this action, the Report and
20 Recommendation of United States Magistrate Judge (“Report”), and Petitioner’s
21 Objections to the Report. Pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P.
22 72(b), the Court has conducted a de novo review of those portions of the Report to
23 which objections have been stated.

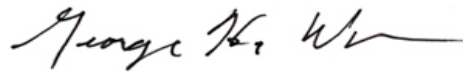
24 In the Objections, Petitioner argues, *inter alia*, that the evidence was insufficient
25 to convict him, because there was no proof that a knife caused the mark on the
26 victim’s neck and, further, that the victim testified falsely and the prosecutor knew
27 so. No such habeas claims were alleged in the Petition or in the state courts. A
28 district court has discretion, but is not required, to consider evidence or arguments

1 presented for the first time in objections to a report and recommendation. *See*
2 *Brown v. Roe*, 279 F.3d 742, 744-45 (9th Cir. 2002); *United States v. Howell*, 231
3 F.3d 615, 621-22 (9th Cir. 2000). The Court exercises its discretion *not* to consider
4 these belatedly-proffered and unexhausted claims..

5 Having completed its review, the Court concludes that nothing set forth in the
6 Objections affects or alters, or calls into question, the analysis and conclusions set
7 forth in the Report. The Court accepts the findings and recommendations set forth
8 in the Report. Accordingly, **IT IS ORDERED** that: (1) the Petition is DENIED;
9 and (2) Judgment shall be entered dismissing this action with prejudice.

10 **LET JUDGMENT BE ENTERED ACCORDINGLY.**

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12 DATE: June 26, 2018



13 GEORGE H. WU
14 UNITED STATES DISTRICT JUDGE
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